THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14423 of 2004

Dated:02.11.2006

Between
Garla Radha Krishna

.....Petitioner

and

1. AP Industrial Infractural Corporation
Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14423 of 2004

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in selling the scheduled land admeasuring an extent of 400 square yards in Sy.No.374, Industrial Estate, Madanapalle, Chittoor District to the 4th respondent, as arbitrary and illegal.

It appears that the petitioner is an industrialist and he was allotted with plot No.E8, Industrial Estate, Madanapally. As on today, there are trees in the schedule land. At the inception, the industrial estate was in the outskirts of the town, but now it is in the middle of the town and the land is needed for greenery so as to control the Industrial Pollution, which is damaging the health conditions of the inhabitants of the Industrial Estate. He made several representations to the 3rd and 4th

respondents not to sell the said schedule site to any private persons or for industrial concerns as there is no other land available for maintaining greenery and it would also cause inconvenience, as it is the only channel for flowing the rain fed water and the drain water. It is further stated that in spite of the said representations, 2nd and 3rd respondents are bent upon their efforts to sell the land to the 4th respondent for their personal gains, causing inconvenience to the public.

A detailed counter-affidavit has been filed on behalf of the respondents. It is asserted that the Andhra Pradesh Industrial Infracture Corporation Limited, Hyderabad do not have any land in S.No.374 at all. Therefore, the question of Corporation making attempts to allot the land in S.No.374 of Industrial Estate, Madanapalle in favour of the 4th respondent does not arise. Further it is stated that the Corporation obtained lay out plan sanctioned by the Competent Authority and developed the land into industrial area providing

necessary facilities. The plots so developed in the Industrial Estate, Madanapalle are allotted to entrepreneurs for industrial purposes. Several industries are set up in the industrial estate, Madanapalle by the allottees of the plots. Out of the same, a few became sick for various reasons like not properly managing the industry, out dated technology, lack of competitive cost in production etc. Some of the industries in industrial estate, Madanapalle have been working satisfactorily providing employment/livelihood to the local people, generating revenue to the State. The industries in the present days of competitive market have been striving to sustain by taking steps like updating technology, diversifying, taking up expansion programs. Such industries require support and assistance to enable them to grow and survive in the market. The Corporation has been making efforts to encourage the industrial units to take up new schemes so as to remain viable and to prevent them slipping into sickness. The Corporation in fact acquired the land in S.No.373/2 and not in

S.No.374 as stated by the petitioner. Further, the Corporation has provided drainage facility in industrial estate, Madanapalle at the time of development of the industrial estate. It seems that the petitioner having come to know that the Corporation allotted the vacant and idle piece of land nearby plot No.E-10 in favour of the 4th respondent, hit upon the idea to cause unwarranted problems by filing the present writ petiton with untenable allegations. The Corporation has been encouraging the allottees in all industrial areas including industrial estate, Madanapalle through service societies formed by themselves to assist the Corporation in collection of property tax and in taking up of maintenance and management of the facilities in the industrial areas. The lay out plan of the industrial estate, Madanapalle was sanctioned and approved by the competent authority and the green/open areas were earmarked accordingly. Under the guise of seeking for earmarking of further green areas, construction of drainage channel, growing of trees etc., over and

above the sanctioned layout plan, the petitioner is not entitled to cause unwarranted problems for their industries in the industrial estate.

In view of averments made in counter filed by the respondents as noticed above, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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02-11-2006

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